

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

GERALD E. BROCKINGTON,

Plaintiff,

v.

GEORGIA DEPARTMENT OF
CORRECTIONS, *et al.*,

Defendants.

)
)
)
)
)
)
)
)
)
)
)

CIVIL ACTION NO. 5:14-CV-163 (MTT)

ORDER

Before the Court is the Recommendation of Magistrate Judge Charles H. Weigle (Doc. 7) on the Plaintiff's complaint brought pursuant to 42 U.S.C. § 1983 (Doc. 1). After reviewing the complaint pursuant to 28 U.S.C. § 1915A, the Magistrate Judge recommends that Defendant Georgia Department of Corrections ("GDOC") be dismissed because those claims are barred by the Eleventh Amendment. The Magistrate Judge also recommends dismissing the Plaintiff's First Amendment retaliation claim because the Plaintiff has not alleged any factual assertions in support of that claim. The Plaintiff did not file an objection to the Recommendation.

The Court has reviewed the Recommendation, and the Court accepts and adopts the findings, conclusions, and recommendations of the Magistrate Judge. The Recommendation is **ADOPTED** and made the order of this Court. Accordingly, the GDOC and the Plaintiff's First Amendment retaliation claim are **DISMISSED** from this action. The Plaintiff's claims against Defendants Dunkin, Warren, and Jordan shall be allowed to go forward.

SO ORDERED, this 5th day of August, 2014.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT